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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,594	01/19/2000	Eberhard Kuebler	225/48391	3340

7590 08/26/2003

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EXAMINER
AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
3618	

DATE MAILED: 08/26/2003

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Paper No. 26

Application Number: 09/487,594
Filing Date: January 19, 2000
Appellant(s): KUEBLER ET AL.

Gary R. Edwards
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 30, 2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-10, 12, 17 and 18 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

A substantially correct copy of appealed claims appears on pages A1-A4 of the Appendix to the appellant's brief. The minor errors are as follows: claims 11 and 13-16

should not have been included because the claims are withdrawn from consideration as being directed to a nonelected invention.

(9) Prior Art of Record

5,547,208	CHAPPELL ET AL.	8-1996
3,844,130	WAHNISH	10-1974
5,193,635	MIZUNO ET AL.	3-1993
6,207,310	WILSON ET AL.	3-2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The rejection of claims 2 and 3 has been withdrawn.

Claims 1, 5, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chappell et al. (US Patent 5,547,208).

Chappell et al. teaches a decentralized power supply system for a vehicle (11) including at least one auxiliary battery system (16) and other power generators (12), where the at least on auxiliary battery system (16) is electrically isolated from the other power generators (12) of the power supply system (as described in column 3, lines 40-48), and is dedicated to supplying electricity to an assigned electric consuming device (as described in column 4, lines 27-29) that is incorporated in a structural subassembly (passenger compartment, as described in column 4, lines 36-39) of the vehicle; and the at least auxiliary battery system (16) is collocated with the assigned electric consuming device, and is mounted on or in the structure subassembly (passenger compartment) of

the vehicle. The examiner notes that Chappell et al. anticipates the use of known equivalents and substitutions (see column 7, lines 15-17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a fuel cell since it was known in the art that fuel cells are less harmful to the environment.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chappell et al. ('208) in view of Wahnish (US Patent 3,844,130).

Chappell et al. teaches the features described above.
Chappell et al. lacks the teachings of a fuel cell system supplying power to drive an air conditioning compressor.
Wahnish teaches an automobile having an auxiliary air conditioner drive system.
Based on the teachings of Wahnish, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide an auxiliary air conditioner drive system for rider comfort when the primary power means is not operating.

Claims 6, 7, 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chappell et al. ('208) in view of Mizuno et al. (US Patent 5,193,635).

Chappell et al. teaches the features described above.
Chappell et al. lacks the teaching of an assigned fuel supply system and an exchangeable fuel storage.
Mizuno et al. teaches a vehicle with fuel cell system including a reformer (29) and a fuel storage tank (31).

Based on the teachings of Mizuno et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide a reformer and a fuel storage tank to advantageously extend the possible service life of the electric consuming device. Re claims 7 and 12, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide an exchangeable fuel storage device, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chappell et al. ('208) in view of Wilson et al. (US Patent 6,207,310).

Chappell et al. teaches the features described above.

Chappell et al. lacks the teaching of a hydrogen cartridge.

Wilson et al. teaches fuel cells that form a hydrogen fuel cell cartridge (see column 1, lines 26-40).

Based on the teachings of Wilson et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide a fuel cell cartridge to enhance power output.

(11) Response to Argument

In response to appellant argument (bridging pages 5 and 6) the location of the Chappell et al. auxiliary battery within the passenger compartment clearly meets appellant's

recitation of "in said structural subassembly of the vehicle" because within the passenger compartment clearly includes any area accessible by a passenger within the vehicle (i.e. the auxiliary battery could be mounted on the door panel (which is clearly "within the passenger compartment" of the vehicle and would therefore be collocated with the door and door lock operators). The passenger compartment clearly provides a "structural subassembly of the vehicle", as broadly set forth in independent claim 1.

In response to appellant's arguments regarding claims 2 and 3, the rejection has been withdrawn.

In response to appellant's arguments (found on the last line of page 7 and continuing on page 8, lines 2-6), regarding claims 4 and 5, contrary to appellant's remarks, Wahnish ('130) clearly teaches an air conditioning system powered by an auxiliary power source. Chappell et al. teaches the use of an auxiliary battery. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the system of Chappell et al. to include an air conditioning system powered by an auxiliary power source to enhance rider comfort when the vehicle is not running. Chappell et al., as previously mentioned, teaches collocating an auxiliary power source with electrical consuming device.

Contrary to appellant's statement (found on page 8, lines 10-13), Mizuno et al. is has not been cited as teaching "a vehicle with fuel cell system including a reformer (29)

closed in a fuel storage tank (31)." Mizuno et al. teaches a reformer (29) located on subframe (27) and a separate fuel storage tank (31).

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., the achievement of "a new and unexpected result in the form of the reduction in weight, increased electrical efficiency, reduction in wear and tear on the electric system, and simplification of the vehicle assembly procedure,") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Avery
August 22, 2003

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